



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
(See Issuing Division below)



The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the permittee upon acceptance of the permit.		
Permit No. 1000-03-0001.1 FHA 030002 1000-03-0001.1 FWW 030001 (FWIP)		Application No.
Issuance Date OCT 10 2003	Effective Date – Stream Encroachment OCT 10 2003	Expiration Date – Stream Encroachment OCT 10 2008 Expiration Date – Freshwater Wetlands June 23, 2007
Name and Address of Applicant NJDOT 1035 Parkway Avenue PO Box 600 Trenton, NJ 08625	Name and Address of Owner	Name and Address of Operator
Location of Activity/Facility (Street Address) Lot: n/a Block: n/a Twps. Flemington, Raritan County: Hunterdon	Issuing Division Land Use Regulation Program	Statute(s) NJSA 13:1D-1 NJSA 13:9B-1 NJSA 58:10A-1 NJSA 58:16A-50, et. seq.
Type of Permit Stream Encroachment Freshwater Wetlands Individual Permit	Maximum Approved Capacity, if applicable	
<p>This permit grants permission to:</p> <p>replace the Route 31 culvert crossings over Bushkill Brook, the Minneakoning Creek, and Assiscong Creek, in connection with the widening of Section 6D of Route 31, within the Townships of Flemington and Raritan, Hunterdon County, New Jersey. This permit also extends the approval of disturbances to freshwater wetlands, transition areas, and State open waters approved under Freshwater Wetlands Individual Permit 100-96-0001.1 until June 23, 2007. Specifically, the extension authorizes the total permanent disturbance of 0.350 acres of freshwater wetlands, the total temporary disturbance of 0.070 acres of freshwater wetlands, and the total temporary disturbance of 0.092 acres of State open waters.</p> <p>Prepared By: <u>Peter DeMeo</u> Peter DeMeo</p> <p>(See page 6 for Bureau Manager's signature.)</p>		
Revised Date	Approved by the Department of Environmental Protection Name (Print or Type) _____ Title _____ Signature _____ Title _____	

OCT 24 2003
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Terms And Conditions

This permit is subject to the following terms and conditions:

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgement of the Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.
2. The issuance of the permit shall not be deemed to affect in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.
3. The works, facilities, and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
4. No change in plans or specifications shall be made except with the prior written permission of the Department of Environmental Protection of the State of New Jersey.
5. The granting of this permit shall not be construed to in any way affect the title or ownership of property, and shall not make the Department of Environmental Protection or the State a party in any suit or question of ownership.
6. This permit does not waive the obtaining of Federal or other State or local government consent when necessary. This permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
7. A copy of this permit shall be kept at the work site, and shall be exhibited upon request of any person.
8. In cases of conflict, the conditions of this permit shall supersede the plans and/or engineering data.
9. Limit and Extent of Approval
 - a. This approval grants permission to the applicant and/or its agents to undertake an activity regulated by the State of New Jersey as described by the text of this permit and as detailed by the herein approved plans. Any construction, grading, removal of vegetation, or other activity at this site within or affecting a regulated flood plain, other than specifically approved by this permit or as detailed by the approved drawings, shall require additional approvals from the Department. The commencement of such regulated activities without the appropriate approvals shall be in violation of State law.
 - b. All activities authorized by this permit shall be completed within five years of the issuance date as listed on the first page of this document. At that time, this approval, if not previously revoked, shall automatically become null and void, and none of the activities referenced herein may commence or continue until a new approval has been granted by the Department.
10. Method of Construction
 - a. All activities approved by this permit shall be performed under the supervision and direction of a Professional Engineer licensed in the State of New Jersey, and shall be

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- undertaken using the best management practices available. Furthermore, the site shall be subject to inspection at any time by representatives of the Department to ensure the continuous application of the provisions of this permit.
- b. During the course of construction, neither the applicant nor its agents shall cause or permit any unreasonable interference with the free flow of the stream by placing or dumping any materials, equipment, debris or structures within or adjacent to the stream corridor. Upon completion or abandonment of the work, the applicant and/or its agents shall remove and dispose of in a lawful manner all excess materials, equipment and debris from the stream corridor and adjacent lands.
- c. All activities authorized by this permit shall be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey* (obtainable from local Soil Conservation District offices), or equal engineering specifications, to prevent eroded soil and sediment from entering adjacent waterways and wetlands at any time during and subsequent to construction. The Department reserves the right to order the suspension of any activity if unacceptable levels of erosion or turbidity result from the same. Furthermore, the applicant shall maintain the stream corridor as shown on the approved drawing/s for either such time as is required for the channel and/or banks to become reasonably stabilized, or for one year after completion of the project (as evidenced by a Certificate of Completion), whichever period of time is longer.

11. Responsibilities of Applicant

- a. The granting of this permit does not in any way relieve the applicant and/or its agents from the responsibility for damages caused by any construction or activities hereby approved, nor does the Department accept responsibility for any structural designs.
- b. No construction authorized by this permit may begin until the enclosed **permit acceptance form** has been signed by the applicant and is returned to the Department. By signing and submitting this form, the applicant accepts this permit in its entirety and agrees to adhere to all of its terms and conditions. Please be advised that this permit may be declared null and void should it be determined that adequate measures have not been taken by the applicant and/or its agents to ensure the continuous implementation of these terms and conditions.
- c. Within ten (10) days of the receipt of this permit by the applicant, this permit shall be recorded in its entirety in the office of the County Clerk or the Registrar of Deeds and Mortgages for each county where this permit is located. Verified notice of this action shall be forwarded to the Department immediately thereafter.
- d. The enclosed **construction notice** shall be completed by the applicant or its agent and submitted to the Department at least fourteen (14) days prior to the commencement of the herein approved activities.
- e. The enclosed **completion report** shall be completed by a Professional Engineer licensed in the State of New Jersey and submitted to the Department within thirty (30) days after completion of the herein approved activities.

- 12. All excavated material must be disposed of in a lawful manner outside of any regulated flood plain, open water, freshwater wetlands or adjacent transition areas, and in such a way as to not interfere with the positive drainage of the receiving area.

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13. The applicant must make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed water quality measures on site. This includes, but is not limited to, the cleaning and inspection of all water quality inlets at least twice a year and after every major storm, and the continuous implementation of appropriate soil conservation practices within any grassed swales, storm water outfall structures and other similar appurtenances throughout the site in order to limit soil erosion and sediment discharge into adjacent waterways.
14. The applicant will be responsible for installing and maintaining a sediment barrier around all soils disturbed by construction, which are sufficient to prevent the sedimentation of the stream. All soil removal must be done landward of the stream. Soil erosion controls must be installed prior to construction and maintained for the duration of the disturbance until soils have been stabilized.
15. Trees, shrubs, grasses, and other vegetation within 25 feet from the top of all stream banks on site shall not be disturbed for any reason, except as approved by the Department and as shown on the approved site plans. This condition applies to all streams and waterways on site, regardless of the contributory drainage area.
16. Any discharge of dredged or fill material shall consist of clean, suitable material free from toxic pollutants (see 40 CFR 401) in toxic amounts, and shall comply with all applicable Department rules and specifications regarding use of dredged or fill materials.
17. In order to protect the trout-stocked waters located downstream of the construction sites, any proposed grading or other construction activities within the banks of this or any other stream on site are prohibited between **March 15 through June 30** of each year. If cofferdams are installed prior to the timing restriction, work may continue during the restriction period within the confines of the cofferdam if dewatering is adequately provided as described below. In addition, any activity within the 100-year flood plain or flood hazard area of this watercourse, which could introduce sediment into said streams or which could cause an increase in the natural level of turbidity, is also prohibited during this period. The Department reserves the right to suspend all regulated activities on site should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.
18. Dewatering of cofferdams must include properly sized temporary sediment basins or other filtering methods to adequately reduce turbidity. The stream area to receive return water discharged from dewatering activities must be encompassed by a turbidity barrier. The turbidity barrier must be located parallel to the stream banks and anchored to the shoreline to maintain free flow of the stream center. In order to avoid obstruction of stream flows or fish passage, turbidity barriers must not be placed across the stream channel.
19. Disturbed areas of the flood plain must be stabilized to ensure sediment will not migrate to the stream channel during the above-mentioned work restricted period.
20. Any and all precautions are to be taken to prevent raw concrete, which is toxic to fish, from coming in contact with the State open waters and wetlands.
21. The placement of riprap in the channel section of Minneakoning Creek within the culvert must be mixed with natural substrate material to fill interstitial voids and maintain open water above the substrate during low flows. This is to prevent the channel from disappearing into the riprap.

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22. Disturbed stream banks and adjacent areas are to be restored using native plant materials including woody vegetation that grows to a height to replace lost shading of the stream channel.

23. Provisions of the Freshwater Wetlands Individual Permit Extension

This portion of the permit extends the authorization of the Freshwater Wetlands Individual Permit 1000-96-0001.1 to provide a new expiration date of June 23, 2007 and a 10-year overall effective period of authorization. This permit extension authorizes the continued disturbance of State open waters, wetlands, and freshwater transition areas for the ongoing construction activities associated with the Route 31 dualization in the vicinities of Assiscong Creek, Bushkill Brook, and Minneakoning Creek. In addition, this permit to conduct a regulated activity in a wetland or open water includes the Department's approval of a Water Quality Certificate for these activities. Authorized permanent disturbances to freshwater wetlands include 0.065 acres near Bushkill Brook, 0.023 acres near the Minneakoning Creek, and 0.262 acres near the Assiscong Creek. Authorized temporary disturbances to freshwater wetlands include 0.054 acres near Bushkill Brook and 0.016 acres near Assiscong Creek. Authorized temporary disturbance to State open waters include 0.020 acres along Bushkill Brook, 0.008 acres along the Minneakoning Creek, and 0.064 acres along Assiscong Creek. In total, this reauthorization approves the total permanent disturbance of 0.350 acres of freshwater wetlands, the total temporary disturbance of 0.070 acres of freshwater wetlands, and the total temporary disturbance of 0.092 acres of State open waters.

24. The permittee shall be responsible for ensuring that the original mitigation project is completed as proposed. Specifically, the permittee was required to create 12.2 acres of wetlands with 60% PFO and 40%. The Program will continue to inspect the mitigation site for compliance with the original permit conditions. The Program finds that the permittee is short of the permit requirements for mitigation because of areas within the mitigation site that have not met the definition of wetlands, according to the Federal Manual for Identifying and Delineating Jurisdictional Wetlands. The permittee shall work in cooperation with the Program to bring the mitigation site into compliance or provide the necessary wetland acreage for meeting the original permit conditions.
25. This permit does not authorize the temporary use of any wetlands or transition areas beyond the limits of the proposed work other than specifically approved by this permit or as detailed by approved drawings. Such use of regulated areas applies to the storage or staging of construction materials (including debris/spoil piles), equipment, and workers' vehicles. The applicant shall direct the contractors to locate all staging and storage areas outside of wetlands and wetland buffers not approved for use by this permit.
26. The hydraulic analyses associated with this permit are valid only for the permitted activity. The analyses can not be relied upon for any other activities to be located within the flood plains of Bushkill Brook, Minneakoning Creek, and Assiscong Creek.
27. In addition to these permit conditions, all conditions of the original subject permit shall remain in force.

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28. The drawings hereby approved are twenty-six (26) sheets prepared by Goodkind & O'Dea, Inc., dated November 1995, unless otherwise noted, unrevised, entitled:

"NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE 31 SECTION 6D FLEMINGTON BOROUGH & READINGTON TOWNSHIP HUNTERDON COUNTY PLAN", Sheets 2 through 4 of 33, each sheet dated November 1999,

"NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE 31 SECTIONS 6D, 6E, 6F AND 6B, 7E FLEMINGTON BOROUGH, RARITAN, READINGTON AND CLINTON TOWNSHIPS, HUNTERDON COUNTY"

"PROFILES", Sheets 5 through 7 of 33,

"PROFILE", Sheets 8 through 10 of 33, each sheet dated December 1995,

"STRUCTURE PLAN BUSHKILL BROOK", Sheets 11 and 12 of 33,

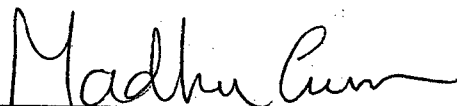
"STRUCTURE PLAN MINNEAKONING CREEK", Sheets 13 and 14 of 33,

"STRUCTURE PLAN ASSISCONG CREEK", Sheets 15 and 16 of 33,

"DETAILS", Sheet 17 of 33,

"CROSS SECTIONS", Sheets 21, 22, and 25 of 33, and

"NEW JERSEY DEPARTMENT OF TRANSPORTATION CROSS SECTIONS ROUTE 31 SECTION 6D", Sheets 27 through 33 of 33, each sheet undated.


for Robert B. Piel, Jr., Manager
Bureau of Inland Regulation

10/10/03
Date